

**REMARKS**

Claims 9-11 are in the application.

Claims 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Janczak* in view of *Downs*. The Examiner states that *Janczak* teaches a method for shutting down an ICE and locking the engine in a predetermined rest condition. The Examiner admits that *Janczak* lacks any specific teaching of a defined starting position. For this, the Examiner looks to *Downs*, which the Examiner asserts as teaching the method of stopping the engine at a predetermined rest position defined such that motoring torque is decreasing during the first phase of restart. The Examiner cites Col.4 of *Downs*.

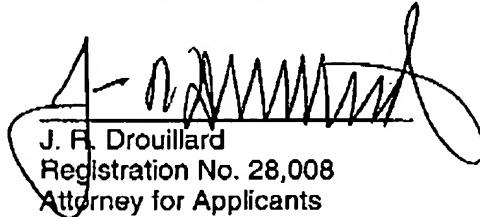
The Examiner argues that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Janczak* to employ the predetermined rest position in view of *Downs* in order to reduce compression vibration. Applicants respectfully traverse this rejection and request that Claims 9-11 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

Applicants respectfully submit that neither *Janczak* nor *Downs*, whether taken singly, or in combination with each other, either teach or suggest Applicants' claimed invention as set forth in Claims 9-11. As admitted by the Examiner, *Janczak* teaches nothing regarding a particular place for stopping an engine and locking a crankshaft. *Downs* does teach a method of stopping an engine, but it is interesting to note that the problem being attacked by *Downs* is a different one being attacked by Applicants, and furthermore, because the problem *Downs* is addressing is different, his solution is different. More specifically, set forth in Applicants' specification, the intent of Applicants is to minimize the size of the starter needed to crank a cold engine. On the other hand, *Downs* is addressing means for minimizing vibration upon start up of a hot engine as is frequently necessary with a hybrid gasoline/electric vehicle. Accordingly,

*Downs* teaches stopping the engine with the piston past the top-dead-center position but with the intake valve open. *Downs* is silent as to the motoring torque required as a result of his choice as to where to stop the engine. In this regard, the Examiner's attention is directed to *Downs* at Col. 1, at lines 40-55, wherein *Downs* discusses minimizing compression-induced vibration during engine startup, and wherein *Downs* expressly disclaims starting of the engine with the cylinder on the compression stroke, as is taught by Applicants. Rather, *Downs* teaches beginning of cranking with an open intake valve and a hot cylinder. The fact that matters is that *Downs* teaches nothing regarding whether torque is increasing or decreasing, whereas Applicants do teach this in the specification, drawings, and claims of the case, as evidenced in Claims 11-12, Figures 3 and 4, and in the specification at pages 7 and 8.

It is not surprising that *Janczak* and *Downs*, whether taken singly, or in combination with each other, teach away from Applicants' claimed invention, because neither of the references is directed to the solution of the problem of starting a cold engine, while minimizing the size of the starter and the supporting electrical system. Applicants are concerned with cranking a cold engine with as small a starter as possible. *Downs* is concerned with avoiding vibration on a hot start of an engine in a hybrid electric vehicle. For all of the foregoing reasons, Applicants respectfully submit that Claims 9-11 should be passed to issue over the Examiner's rejection. Such action is earnestly solicited.

Respectfully submitted,



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